

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

JoAnne Sivak,)	C/A No.: 4:10-1832-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Town of Atlantic Beach and Officer)	
Terrance Wiggins,)	
)	
Defendants.)	
)	

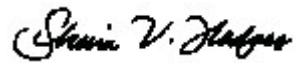
This matter comes before the court on the failure of Plaintiff and her attorney, Mr. White, to fully respond to the court's July 21, 2011 order. [Entry #36]. Plaintiff previously filed a pro se motion for an extension of time to obtain counsel in light of her attorney's suspension. [Entry #33]. It appearing that Mr. White had been reinstated to practice law in South Carolina, the court lifted the stay in this matter on July 21, 2011 and directed Plaintiff and her counsel to file a status report by August 18, 2011, addressing whether Plaintiff wishes to proceed with her case and whether Mr. White will remain as counsel. *Id.* The order specified that the status report was to be signed by both Mr. White and Plaintiff. *Id.* Additionally, the order directed Plaintiff, in the event that she planned to proceed without Mr. White as counsel, to direct her new counsel to file a motion for substitution of counsel by August 18, 2011, or inform the court that she planned to proceed on her own without counsel. *Id.* The order was placed in U.S. Mail to Plaintiff at her address of record [Entry #38] and served on Mr. White through the court's Electronic Case Filing.

Notwithstanding the specific instructions set forth in the court's July 21, 2011 order, both Plaintiff and Mr. White failed to comply with the order. Based on the failure to comply, the court directed Plaintiff and her counsel to file a response to the order and advised that failure to comply by September 6, 2011 would result in the case being dismissed for failure to prosecute.

On August 30, 2011, Plaintiff's counsel filed a document entitled "Status Report." [Entry #49]. The report indicates that Ian Douglas McVeigh, the trustee appointed during Mr. White's suspension, was authorized by the South Carolina Supreme Court to return Mr. White's files to him on August 17, 2011. The report also notes that no discovery has been conducted in this case due to Mr. White's suspension. Although the report indicates Mr. White continues to represent Plaintiff, it is not signed by Plaintiff as specifically required by the court's orders.

Therefore, the court orders Plaintiff and her counsel to fully comply with the court's July 21, 2011 order by September 12, 2011. Specifically, Plaintiff and her counsel are instructed to file a status report by September 12, 2011, addressing whether Plaintiff wishes to proceed with her case and whether Mr. White will remain as counsel. The status report should be signed by both Mr. White and Plaintiff. Additionally, the report should also indicate the last date on which Mr. White has spoken with Plaintiff. Failure to fully comply with the court's orders will result in dismissal of this case and no further extensions will be granted absent exceptional circumstances.

IT IS SO ORDERED.



September 2, 2011
Florence, South Carolina

Shiva V. Hodges
United States Magistrate Judge